

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3 TROY D. GERMAN, )  
4 )  
5 Plaintiff, )  
6 -vs- ) No. CIV-19-751-F  
7 BILLY D. "RUSTY" RHOADES, )  
8 individually; )  
9 MICHAEL HARRELL, individually; )  
10 BRIAN ORR, individually; and )  
11 MEGAN SIMPSON, individually, )  
12 Defendants. )

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\* \* \* \* \*

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DEPOSITION OF DAVID WAYNE PRATER

15

TAKEN ON BEHALF OF THE PLAINTIFF

16

IN OKLAHOMA CITY, OKLAHOMA

17

ON JUNE 17, 2020

18

COMMENCING AT 1:56 P.M.

19

\* \* \* \* \*

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INSTASCRIP, L.L.C.

23

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REPORTED BY: BETH A. MCGINLEY, CSR, RPR

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6/17/2020

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1     blackmail, but he shows up on your doorstep and one of  
2     your Assistant Attorney Generals presented it to the  
3     grand jury and -- and -- and there's an indictment now  
4     on -- on Troy German."

5             I said, "This is wrong." I said, "I don't  
6     know what was presented, but -- but -- but this is  
7     wrong. And I'm going to" -- I said, "I'm going to be a  
8     witness for the defendant in this case and, you know, I  
9     really do -- would like to talk to -- to Dane,  
10    Mr. Towery, your Assistant Attorney General, about this  
11    matter and" --

12            Q     So Dane Towery had not reached out to you, to  
13    talk to you about your conversation with Rusty Rhoades?

14            A     No, because I don't know if he knew about it.

15            Q     Okay. All right. And so what did Attorney  
16    General Hunter say?

17            A     Said absolutely, he'd talk to him.

18            Q     Okay. Did he have anything else to say during  
19    this phone call?

20            A     No, not that I recall.

21            Q     Okay.

22            A     Not that I recall.

23            Q     So then you met with -- or you spoke to Dane  
24    Towery. Was that in person or over the telephone?

25            A     I -- I -- and I don't remember -- excuse me --

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1 had a conversation with Gary James about it in the  
2 distant past. I don't recall any specific conversation  
3 about -- about this case, with anyone. Except counsel.

4 Q I'm going to turn your attention to Exhibit, I  
5 think, 3, the First Amended Complaint.

6 A Yes, sir.

7 Q If you'll turn to Page 17, Paragraph 107.

8 A Yes, sir.

9 Q And it says, "DA Prater stated that he  
10 believed Rhoades was lying."

11 In that meeting, did you actually say that  
12 you -- you believed Mr. Rhoades was lying?

13 A I don't know if I used that terminology, but  
14 that, in fact, was my impression of the information that  
15 he was giving me and I -- I told him I didn't think that  
16 he was being honest with me and wasn't telling me the  
17 truth, that there was something more to this deal.

18 Q Besides Mr. Harrell, Mr. Rhoades and -- and  
19 Ms. Simpson and yourself, was there anyone else in that  
20 meeting?

21 A I believe my first assistant, Jimmy Harmon,  
22 was there.

23 Q Did anyone take notes --

24 A No.

25 Q -- during that meeting?

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1           A     I told them I felt like -- I felt the only  
2     thing I've heard that was unlawful was -- was what they  
3     did to provide at least one other trooper with an unfair  
4     advantage in the promotion process. I don't know if I  
5     said, specifically, "criminal," but --

6           Q     Okay.

7           A     -- I told them it was unlaw- -- I felt like it  
8     was unlawful.

9           Q     Do you know of any statute that would make  
10    that unlawful?

11          A     No. It just appalled me. I was -- I was  
12    extremely upset at what I had just heard.

13          Q     You thought it was unethical?

14          A     Incredibly unethical.

15          Q     But you not necessarily -- didn't -- didn't  
16    know that it violated some -- some statute?

17          A     Criminal statute, no.

18          Q     Okay. A civil statute?

19          A     I -- not -- not that I'm aware of, unless  
20    there was some tortious interference.

21          Q     Prior to this December 11, 2018, meeting, had  
22    these allegations, regarding Mr. German and -- and  
23    Mr. Rhoades, been brought to your attention in any other  
24    way?

25          A     No, sir.

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1 really, it wasn't very nice.

2 Q Okay. Now, subsequent to the December 11  
3 meeting, have you reviewed any evidence of -- that  
4 supported the charges that were eventually filed against  
5 Mr. German?

6 A I don't recall seeing anything.

7 Q Have you seen the investigation that was  
8 completed by Troop Z?

9 A No, sir.

10 Q Have you seen any of the transcripts from the  
11 grand jury proceeding?

12 A No, sir.

13 Q Okay. Have you -- have you been provided or  
14 seen a -- the interview that -- that was taken of  
15 Mr. German?

16 A Regard- --

17 Q In the investigation.

18 A No, sir.

19 Q Okay. And you don't know if Mr. German made  
20 any -- any sort of admissions or confessions in that --  
21 in that interview, that would support the -- the  
22 criminal charges?

23 A No, sir.

24 Q Okay. Now, I believe you discussed before  
25 that -- that you were -- that Mr. Rhoades never came